

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

NELSON RODRIGUEZ,

Defendant.

21-CR-377 (AKH)

**AMENDED ORDER
DENYING SENTENCE
REDUCTION MOTION**

ALVIN K. HELLERSTEIN, District Judge:

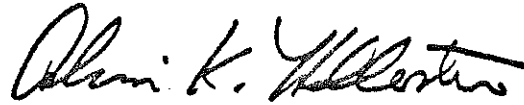
On November 13, 2023, defendant Nelson Rodriguez was sentenced principally to a term of imprisonment of 120 months for coordinating and participating in three armed robberies of parking lot attendants. 18 U.S.C. § 1951.

On February 9, 2024, the defendant filed a motion requesting a sentence reduction pursuant to Amendment 821 to the Sentencing Guideline amendment which went into effect on November 1, 2023 and applies retroactively. This request has no merit, as Rodriguez had the benefit of the November 2023 guidelines.

At sentencing, I stated on the record that I would sentence him according to whichever guidelines resulted in a lower sentence – the 2018 Guidelines, which were operative at the time of Defendant’s guilty plea, or the 2023 Guidelines. The parties at sentencing agreed that Rodriguez is a career offender under the 2023 Guidelines, yielding a guidelines range of 130 to 162 months’ imprisonment. Instead, I sentenced defendant according to the 2018 Guidelines, which yields a guidelines range of 120 to 150 months.

It is hereby ordered that defendant is ineligible for a sentencing reduction because he had the benefit of the 2023 Guidelines, and this motion is denied. The Clerk is instructed to terminate the open motion at ECF No. 192.

SO ORDERED.

A handwritten signature in black ink, reading "Alvin K. Hellerstein". The signature is fluid and cursive, with the first name "Alvin" and last name "Hellerstein" clearly legible.

Alvin K. Hellerstein
United States District Judge

Dated: May 2, 2024
New York, New York